

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

**SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA**

Draft FINDING OF NO SIGNIFICANT IMPACT

**LONG-TERM WARREN ACT CONTRACT AND LICENSE FOR
DELTA LANDS RECLAMATION DISTRICT 770**

**Central Valley Project
Sacramento, California**

FONSI-07-103

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In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that an environmental impact statement is not required for the approval of a long-term Warren Act contract and license with Delta Lands Reclamation District 770 (the District). This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment Number 07-103, *Long-term Warren Act Contract and License for Delta Lands Reclamation District 770* dated January 2008, and is hereby incorporated by reference.

A long-term contract is under negotiation. It is anticipated Reclamation and RD 770 would enter into a long-term Warren Act contract and license with a termination date of no later than February 28, 2033.

BACKGROUND

The federal action is the execution of two legal instruments with the District: 1) a Warren Act contract allowing the conveyance of up to 250,000 acre-feet of floodwater in the FKC and 2) a license allowing the District to maintain and operate pumping facilities on Reclamation's right-of-way. The long-term contract and license will allow the District to introduce floodwater from the Kings, Kaweah and Tule Rivers into the Friant-Kern Canal (FKC), a Central Valley Project (CVP) facility. The flood flows will be potentially diverted into the FKC from any or all of four pumping stations, one on the Kings River, two on the St. Johns River and one on the Tule River depending on the flood potential of each river at any given time. Once the flood flows have been pumped into the FKC they are conveyed to the canal's terminus and released into the Kern River. The District needs this contract to protect agricultural lands and public improvements in the Tulare Lakebed from floodwaters, which the Lakebed is subjected to on average once every three to four years. The District needs the license to store, operate, and maintain pumping facilities on federal lands owned by Reclamation along the FKC.

The issuance of a long-term Warren Act Contract and License with RD 770 will not cause any significant environmental impacts for the following reasons:

FINDINGS

Water Resources:

Surface Water Past introductions and conveyances of damaging floodwater have occurred infrequently during large flood events in the Kings, Kaweah and Tule Rivers. Introductions of damaging floodwater would be infrequent, intermittent, unreliable and small relative to existing river flows, water needs and operations.

The Proposed Action would not substantially alter existing drainage patterns or the beneficial aspects periodic flood flows have on channel morphology. Variations in annual flows important to aquatic and riparian habitats have continued since the original contracts in 1978.

Wetlands The proposed project does not interfere with existing deliveries of water for environmental purposes in the Tulare Lakebed. The District would continue to coordinate and

provide water to wetland areas in the vicinity of the Tulare Lakebed, as in the past, including providing water to restored wetlands.

Water Quality The contract obligates the District to comply with Reclamation's water quality monitoring requirements and standards. If the water quality in the canal is negatively affected by the pump-ins sufficiently to cause harm to the CVP or Friant Division contractors, the contract will be terminated. This minimizes in-canal water quality impacts.

The Proposed Action will not impact water quality in the rivers. Water quality is not affected by diversion of a portion of the river's flow. The discharge of the contract flood flows into the Kern River will not affect water quality in that river either. The oversight by the Rivermaster and the typically small quantity (proportionally) of water discharged will minimize impacts to the Kern River. Should silt accumulate in the FKC or channels as a result of the diversion activities, District would remove the silt accumulation as directed by Reclamation and the FWA, or reimburse Reclamation and the FWA for costs associated with its removal. The District also would be required to take steps to screen debris from the damaging floodwater prior to pumping.

Due to the established monitoring and reporting requirements included as part of the Proposed Action, the diversion of damaging floodwater from the Kings, Kaweah and Tule rivers would have no adverse effect on water quality within these drainages. Water quality within the rivers downstream of the pumping plants is unlikely to change, but if introductions decreased flows and soil erosion, a minor improvement in downstream water quality may result.

Groundwater Discharges into the Kern River at the terminus of the FKC are coordinated with the City of Bakersfield. This damaging floodwater would provide a slight and short-term benefit by recharging the groundwater as it flows down the Kern River.

Overall, the Proposed Action would improve flood management, groundwater supplies and would not impact CVP operations, facilities, water right holder's surface water supplies, water quality, or wetlands.

Land Use: The Proposed Action would not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use. Conveyance of the damaging floodwater would be infrequent, intermittent, unpredictable and small, relative to existing water needs and operations. Prevention of inundation of farmlands would not change rates of land conversion but would allow existing farmland to remain productive in years when flooding would have impacted productivity.

The Proposed Action involves water that is infrequent and unpredictable. Conveyance of this damaging floodwater is contingent upon available capacity in the FKC and conditions in the Kern River. The Proposed Action would not lead to any long-term land use decisions. The Proposed Action would maintain existing land uses and would not contribute to impacts to land uses or planning.

Air Quality: The License issued by Reclamation stipulates that the District will comply with all applicable air pollution laws and regulations of the United States, the State of California and local authorities. Electric and diesel-powered pumps would be used to pump water from the Kings,

Kaweah and Tule Rivers. All of the District's diversion pumps have never been used simultaneously, their use is infrequent and use occurs during weather conditions unfavorable for ozone production.

The 18 diesel-powered pumps that the District might operate represent less than one percent of the 4,500 irrigation pumps used in the San Joaquin Valley (Maxwell 2003). The portable diesel pumps are registered at the local and/or state level, have emission standards established within the registration requirement and the emissions are accounted for in the current emission inventory. These pumps have intermittently been in use since 1978 and are part of the existing air quality baseline. The Proposed Action will result in very slight increases in emissions and therefore has a slight impact on air quality.

Land Use: The diesel and electric powered pumps used to pump damaging floodwater into the FKC would generate infrequent, periodic noise. The District is required by Reclamation's License to comply with the Fresno and Tulare County Noise Ordinance regulations. Additionally, the District would comply with all federal and state noise standards and ordinances. The District has implemented noise reduction strategies based on the recommendations of a noise consultant and contacts persons residing near the pumping facilities prior to pumping, to address issues. Based on historic frequency, such damaging floodwater introductions will occur, on average, every three to four years. During diversion periods, the pumps operate up to four to five months during the late winter, spring and early summer. Persons would not be exposed to excessive noise levels or excessive ground borne vibration and/or ground borne noise levels. The Proposed Action would not expose people residing or working at the pump station to excessive noise levels.

Biological Resources:

Pump-in Operations The infrastructure required for the District to pump damaging floodwater from the Kings, Kaweah and Tule River systems is complete and operational, requiring no further construction that might affect biological resources. No ground disturbing activities would be associated with the operation and maintenance of the three pumping facilities. The license precludes the use of pesticides on the FKC right-of-way without prior written permission of Reclamation. The operation and maintenance of the three pumping facilities would not involve ground disturbance or disturbance to vegetation, including the host plant of valley elderberry longhorn beetle, and therefore, no direct adverse effects to special-status species are expected from pump-in activities.

Critical Habitat Diversions from the Kings River are an exceedingly small fraction of the flows (historically 0.58% or less) and these would either minimally decrease flood volumes or would not affect flows in Fresno Slough. The Proposed Action would, therefore, have no adverse effect on the critical habitat for the Fresno kangaroo rat or would have a minor positive effect through added flood protection.

Critical habitat for vernal pool fairy shrimp within the Pixley Unit occurs in two subunits: one southeast of Corcoran within the floodplain of the Tule River and another subunit that includes portions of the Pixley National Wildlife Refuge. The northern subunit could experience a minor level of flood protection.

Portions of the critical habitat for the California tiger salamander within the proposed Cross Creek Unit are connected to flows in the St. Johns River. California tiger salamanders breeding within vernal pools within the floodplain might benefit from a reduction in the volume of floodwater flowing across the floodplain of Cross Creek.

Changes to Flows Introductions from the Kings, Kaweah and Tule rivers under previous contracts were intermittent and infrequent. Diversions from the Kings River always were small while those from the Kaweah and Tule Rivers ranged to around 30% of flows. Future introductions to the FKC under the Proposed Action are expected to be similar or even smaller. These introductions would not result in reduced river flows that contain less oxygen, higher temperatures or other changes that could detrimentally impact fish or other aquatic life. The average flow downstream of the pump stations on the Kings, Kaweah and Tule rivers have always remained well above the average flow in years when pumping occurred.

The proposed project does not interfere with existing deliveries of water for environmental purposes in the Tulare Lakebed. The Proposed Action would only pump water from the Kings River when 3,200 cfs of water is being pumped south to Tulare Lakebed and flood flows north to the San Joaquin River have been maximized. No direct connections occur between existing wetlands and the Kaweah and Tule rivers downstream from the FKC.

The *Delta Lands Reclamation District No. 770 Warren Act Contract Biological Evaluation* dated April 17, 2006 and the analysis of direct, indirect and induced and interrelated effects indicate that the intensity of the effects from the Proposed Action would be low. While the Proposed Action may affect threatened and endangered species it is not likely to adversely affect listed species or designated critical habitat.

Invasive Species Control Reclamation recognizes the importance of limiting the spread of nuisance or invasive plant and animal species and shares the responsibility for controlling invasive species (EO 13112) that infest water systems, including reservoirs, rivers, distribution canals, etc. Hydrilla and Dodder entering the FKC would have to originate upstream of the canal in the watersheds of the rivers to be diverted for the Proposed Action to potentially contribute to the spread of these species. Reclamation's review indicates that hydrilla has not been a concern upstream of the FKC on the Kaweah (Larry Dotson, personal communication) and Kings (Steve Haugen, personal communication) river systems.

Reclamation requires that the submerged intakes of the District's pumps be screened, limiting debris and other objects from being drawn into the pumps. Should damaging floodwater pumped under the proposed contract be identified as a significant source of invasive species in the future, Reclamation has the authority to terminate or limit the introduction of such damaging floodwater into the FKC. In compliance with Executive Order 13112 on Invasive Species, Reclamation will continue to implement feasible and prudent measures to minimize risk of harm from the spread of invasive species.

Cultural Resources: The infrastructure required for the District to pump damaging floodwater from the Kings, Kaweah and Tule River systems is complete and operational, requiring no further construction that might affect archaeological or historical resources. The introduction of damaging floodwater does not require new conveyance facilities, and flows within the facilities would not exceed capacity; therefore, archaeological and historic resources bordering these facilities would be

unaffected. Damaging floodwater would be conveyed and disposed of within existing facilities and not materially impair archaeological or historical resources through demolition, destruction, relocation or alteration of these resources or their immediate surroundings. Because this action is administrative in nature, and will not result in changes to the conveyance system or land use, the proposed action has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1).

Indian Trust Assets: The floodwater introduced into the FKC would be conveyed in existing facilities and would not result in impacts to Indian Trust Assets. The diversion of this floodwater from the Kings, Kaweah and/or Tule Rivers would not interfere with water deliveries, ceremonial activities or conclusion of water rights reviews for Indian Tribes.

Socioeconomic Resources: All required pumping and conveyance facilities have been constructed and would not be modified under the Proposed Action. All introduced damaging floodwater would be disposed of within existing facilities and require no new construction. The population and land conversion trends previously described are expected to continue with or without implementing the Proposed Action. The damaging floodwater introduced under the Proposed Action would be intermittent, unpredictable and small in comparison to demand.

Pumped damaging floodwater would be discharged into the Kern River. This water could recharge the groundwater locally and be extracted during dry periods to meet a small fraction of future demands. Uses of this damaging floodwater could include irrigation, groundwater banking, wetland enhancement and restoration, or municipal and industrial uses. However, Reclamation does not have approval authority for subsequent diversions or uses of this damaging floodwater.

Pumping the flood flows would provide an economic benefit to landowners in the Tulare Lake Basin. Reductions in costs for repairing public facilities, public services and emergency resources would also occur on a small local scale.

Environmental Justice: The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. The Proposed Action would protect existing agricultural lands and job opportunities to farm laborers. The Proposed Action would provide an option for some amount of flood protection within the Tulare Lakebed and reduce adverse impacts to minority or low-income farm laborers.

Cumulative Impacts: The Proposed Action will allow the District to utilize the FKC and Reclamation's right-of-way to move floodwater from the Kings, Kaweah and Tule rivers away from their normal river channels to avoid flooding in the Tulare Lake basin. There are no impacts to canals, facilities, or operations for delivering surface water supplies, since the Proposed Action would utilize existing facilities. The Proposed Action, when added to other past, present, and future actions does not result in diversions of water that could otherwise be put to beneficial use or that would reduce flow in natural channels to below their normal flows. Water quality would not be degraded as a result of water service actions.. Terminus Dam was raised in the last few years and it in conjunction with this project will add cumulative flood protection to the irrigators in the Lakebed.